

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

ATLANTIS INFORMATION  
TECHNOLOGY, GmbH,

Plaintiff,

v.

CA, INC.

Defendants.

Civil Action No.  
06-CV-3921 (JS-WDW)

**DECLARATION OF MICHAEL D. SCHISSEL IN OPPOSITION  
TO PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT  
ON LIABILITY ON PLAINTIFF'S CLAIM FOR BREACH OF CONTRACT**

I, MICHAEL D. SCHISSEL, declare under penalty of perjury:

1. I am a member of Arnold & Porter LLP, attorneys for defendant CA, Inc. ("CA") in the above-captioned action. This declaration is respectfully submitted in support of CA's Opposition to Plaintiff's Motion for Partial Summary Judgment on Liability on Plaintiff's Claims for Breach of Contract.

2. Attached as Exhibit A is a true and correct copy of Defendant CA, Inc.'s Second Revised Responses and Objections to Plaintiff's Second Set of Interrogatories, dated December 15, 2009.

3. Attached as Exhibit B is a true and correct copy of excerpted pages of the deposition of John Dueckman, taken December 17, 2009.

4. Attached as Exhibit C is a true and correct copy of the Star Report. This document was produced by CA in the present litigation and bears Bates number CA00057482. As this is a voluminous document, it is being provided on a disc.

5. Attached as Exhibit D is a true and correct copy of Treetips, a publication of Treehouse Software, dated May 2000. This document was obtained from Treehouse Software Incorporated's website located at <http://www.treehouse.com> (last visited September 16, 2010).

6. Attached as Exhibit E is a true and correct copy of a series of e-mails between Alexander Gaugler and Todd Williams, dated June 3, 1998. This document was produced by Atlantis in the present litigation and bears Bates number A 004354.

7. Attached as Exhibit F is a true and correct copy of an e-mail from Randall Woo to Alexander Gaugler and others, dated September 23, 1999. This document was produced by Atlantis in the present litigation and bears Bates numbers A 006808 - A 006809.

8. Attached as Exhibit G is a true and correct copy of an e-mail from Alexander Gaugler to Mr. [Joseph] Stein, dated July 1, 1997. This document was produced by Atlantis in the present litigation and bears Bates number A000111320.

9. Attached as Exhibit H is a true and correct copy of a series of e-mails between Winifred Moy and Alexander Gaugler, dated June 5-6, 1997. This document was produced by Atlantis in the present litigation and bears Bates number A 001301.

10. Attached as Exhibit I is a true and correct copy of a series of e-mails between Alexander Gaugler, Timothy Beditz, and others, dated June 1997. This document was produced by Atlantis in the present litigation and bears Bates numbers A 001507 - A 001509.

11. Attached as Exhibit J is a true and correct copy of a series of e-mails between Alexander Gaugler and Timothy Beditz, dated July 2, 1997. This document was produced by Atlantis in the present litigation and bears Bates numbers A 001519 - A 001520.

12. Attached as Exhibit K is a true and correct copy of a series of e-mails between Alexander Gaugler, Oliver Sims, III, and others, dated August 1997. This document was produced by Atlantis in the present litigation and bears Bates numbers A 001712 - A 001717.

13. Attached as Exhibit L is a true and correct copy of the CA-Product Flash, dated September 1997. This document was produced by Atlantis in the present litigation and bears Bates numbers A 001807 - A 001810.

14. Attached as Exhibit M is a true and correct copy of a series of e-mails between Alexander Gaugler, Timothy Beditz, and Barry Greene, dated September 1997. This document was produced by Atlantis in the present litigation and bears Bates numbers A 001896 - A 001899.

15. Attached as Exhibit N is a true and correct copy of a series of e-mails between Alexander Gaugler, Thomas O'Neill, and others, dated November and December 1999. This document was produced by CA in the present litigation and bears Bates numbers CA00029200 - CA00029206.

16. Attached as Exhibit O is a true and correct copy of a series of e-mails between Alexander Gaugler, Craig Fontaine, and Thomas O'Neill, dated June 19-20, 2000. This document was produced by CA in the present litigation and bears Bates numbers CA00029128 - CA00029129.

17. Attached as Exhibit P is a true and correct copy of a series of e-mails between John Dueckman, Alexander Gaugler, Jon-Luc Senior, and others, dated May and June 2003. This document was produced by Atlantis in the present litigation and bears Bates numbers A 012953 - A 012954.

18. Attached as Exhibit Q is a true and correct copy of an Order Form between CA and the County of Los Angeles Internal Svcs. Dept., dated March 31, 2000. This document was produced by CA in the present litigation and bears Bates numbers CA00004186 - CA00004200.

19. Attached as Exhibit R is a true and correct copy of CA's Form 10-K for fiscal year 2010. This document was obtained from CA's website located at <http://www.ca.com> (last visited September 17, 2010). As this is a voluminous document, it is being provided on a disc.

20. I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: New York, New York  
September 17, 2010

*Michael D Schissel / NLW*

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Michael D. Schissel